

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JOHN F. ZAFFINO,</b>	)	<b>CASE NO. 5:05CV1485</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>KHELLEH KONTEH, Warden,</b>	)	
	)	
<b>Respondent.</b>	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>

On May 25, 2005, Petitioner John F. Zaffino filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his criminal conviction (Dkt. # 1). The case was referred to Magistrate Judge David S. Perelman pursuant to Local Rule 74.2 (Dkt. # 4). On July 27, 2006, the Magistrate Judge recommended that Petitioner's application for habeas corpus be dismissed (Dkt. # 29).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and

Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Magistrate Judge's report and recommendation (Dkt. # 29) is hereby **ADOPTED** and Petitioner's writ of habeas corpus is **DISMISSED**. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

/s/ Peter C. Economus - August 15, 2006

**PETER C. ECONOMUS**

**UNITED STATES DISTRICT JUDGE**